



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re Application of : Kennedy III et al.
For : ISOPHTHALIC ACID POLYMER FOR USE IN
GOLF BALL COVERS OR MANTLES
Serial No. : 09/837,403
Filed : April 18, 2001
Group Art Unit : 1712
Examiner : David J. Buttner
Last Office Action : June 20, 2002
Attorney Docket No. : SLDZ 2 00236

#9
12-30-02
J Rock

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DEC 26 2002
TC 1700

Cleveland, Ohio 44114-2518
December 20, 2002

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL
DOUBLE PATENTING REJECTION OVER A PENDING
SECOND APPLICATION (37 CFR 1.321(b))**

Identification Of Person(s) Making This Disclaimer

Disclaimer: Richard M. Klein
Residing at FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
1100 Superior Avenue, Seventh Floor
Cleveland, Ohio 44114-2518

represent that I am

- an inventor of this invention
- an assignee of this invention
- a representative authorized to sign on behalf of the assignee identified below.

**Identity of Assignee and
Title of Disclaimant (if applicable)**

The Assignee is: Spalding Sports Worldwide, Inc.

Address of Assignee: 425 Meadow Street, P.O. Box 901
Chicopee, Massachusetts 01021-0901

Title of disclaimant authorized to sign on behalf of Assignee:
Attorney of Record

Recordal of Assignment in PTO

- the assignment was recorded on May 29, 2001
Reel 011856
Frame 0520
- authorization for recordal of the assignment is separately attached

Extent of Interest

The extent of my (our) interest is in

- the whole of the invention
- a sectional interest in this invention as follows (here state the exact interest of the disclaimant(s)):

I state that the relevant evidentiary documents have been reviewed, and certify that to the best of my knowledge and belief, title is in the assignee taking this action.

Disclaimer

I hereby disclaim the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of:

- United States Patent No. 6,384,140
- Any patent granted on application number _____

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

- United States Patent No. 6,384,140
 Any patent granted on application number _____,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Disclaimerany does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

- United States Patent No. _____, as presently shortened by any terminal disclaimer
 Any patent granted on application number _____

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer except for the separation of legal title stated above.

Fee Status
(37 CFR 1.20(d) and 37 CFR 1.321)

- other than a small entity - fee \$ 110.00
 small entity - fee \$ 55.00
 verified statement attached
 verified statement filed on _____

Fee Payment

- Attached is a check in the amount of \$110.00
 Charge Deposit Account No. 06-0308 for any fee deficiency required by this paper.
 Charge Deposit Account No. 06-0308 in the sum of _____.
A duplicate copy of this disclaimer is attached.

BEST AVAILABLE COPY

SUBJECT DECISION ON TERMINAL DISCLAIMER INFORMAL FORM

DATE: 12-30-02

APPL. S.N.: 09/837,403

EXAMINER: _____

ART UNIT: 1712

PARALEGAL: JEAN PROCTOR

MAILROOM DATE: 12-30-02

AFTER FINAL: YES NO ✓

NUMBER OF T.D.(S) FILED: 1

INSTRUCTIONS: I have reviewed the submitted T. D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T. D. If you disagree any analysis or have questions at all about the acceptability of the T.D., please see our Special Program Examiner or me.

THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE. WHEN YOUR OFFICE ACTION IS COMPLETED, YOU MUST INITIAL AND DATE & RETURN THIS TO PARALEGAL.

The T. D. is PROPER and has been recorded. (See 14.23)

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24)

The recording fee of \$____ has not been submitted nor is there any pre authorization in the application to charge to a deposit account. (See 14.25)

Application Examiner has not processed fee for T. D.

The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T. D. has not stated his/her interest and the extent of the interest of the business entity represented by the signature in the application/patent. (See 14.26)

The T. D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting rule 321(c). (See 14.27 and 14.27.1)

T. D. is directed to a particular claim(s), which is not acceptable since the disclaimer must be of a terminal portion of the entire patent to be granted,
MPEP 1490. (See 14.26 and 14.26.2)

The person who signed the terminal disclaimer:

has failed to state his/her capacity to sign for the business entity. (See 14.28)
 is not recognized as an officer of the assignee. (See 14.29.1)

No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the frame specified as to where such evidence is recorded in the office. 37CFR 3.73(b). (See 1140 O.G. 72) NOTE: This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30)

No "STATEMENT" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee knowledge and behalf the file is in the assignee seeking to take action 37 CFR 3.73(b). (See 1140 O.G. 72)

The T. D. is not signed (See 14.26 and 14.26.3)

Attorney is not of record in the oath/declaration or a separate paper filed appointing a new or associate attorney, nor is there a customer number.

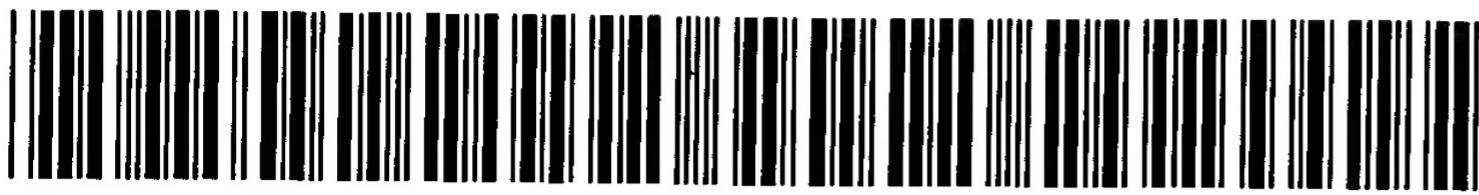
The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32)

The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed is missing or incorrect. (See 14.26, 14.26.4 or 14.26.6)

The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3)

Other _____

US 098374030BP1



Creation date: 10-15-2003
Indexing Officer: TTRAN25 - TUAN MINH TRAN
Team: OIPEBackFileIndexing
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Total number of pages: 9

Remarks:

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